

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

IN RE DALLAS S. THOMPSON.

No. MC 12-00009-MWB

**ORDER REGARDING JUROR'S
HEARING TO SHOW CAUSE FOR
FAILURE TO APPEAR**

Dallas S. Thompson failed to appear for jury duty on December 19, 2011. He was summoned to appear before the court today to show cause for his absence, pursuant to 28 U.S.C. § 1866(g). (docket no. 1).

I. FACTUAL BACKGROUND

Using drivers license numbers and voter registration records, Dallas S. Thompson was randomly selected as one of 400 persons for potential jury duty during the three month term beginning October, 2011. As a result, Thompson was notified and completed an online juror questionnaire form on November 18, 2011. In his questionnaire, Thompson indicated his only conflict with serving was that he "must work black Friday."

The court received Thompson's questionnaire and determined he was qualified for jury duty. Thompson was summoned to appear for jury duty on December 19, 2011. Thompson failed to appear. The clerk's office called Thompson and left a voice mail after he failed to appear. Thompson returned the call later that day and indicated he had forgotten about his jury appearance. The same day, the court mailed Thompson a letter requesting him to explain, in writing, why he did not appear for jury duty that day. The

court received no response. A second letter was mailed on January 18, 2012, stating, “This is your second notice. This matter will be referred to the judge if you do not respond.” The court, again, received no response. On February 9, 2012, I ordered Thompson to appear before me today to show cause for his failure to appear, pursuant to 28 U.S.C. § 1866(g). Thompson was informed of his right to counsel but appeared *pro se*.

II. DISCUSSION

In one of many decisions recognizing the importance of the right to a jury trial, the United States Supreme Court wrote, “The trial by jury is justly dear to the American people. It has always been an object of deep interest and solicitude, and every encroachment upon it has been watched with great jealousy.” *Parsons v. Bedford*, 28 U.S. (3 Pet.) 433, 446 (1830). Congress has empowered federal courts to protect the right to a jury trial by permitting the imposition of sanctions on individuals who fail to appear for jury duty:

Any person summoned for jury service who fails to appear as directed may be ordered by the district court to appear forthwith and show cause for failure to comply with the summons. Any person who fails to show good cause for noncompliance with a summons may be fined not more than \$1000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.

28 U.S.C. § 1866(g).

At his hearing today, in response to my questions regarding why he had failed to appear for jury service, Thompson answered, “I didn’t really think it was that important to be honest.” I find that Thompson wilfully failed to appear for his jury service on December 19, 2011, and that he has not shown good cause for his absence.

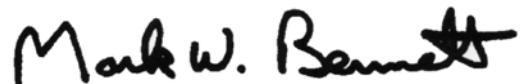
III. CONCLUSION

Therefore, I impose the following sanction:

Thompson has 14 days to find an organization where he will do community service and to contact Suzanne Carlson in the clerk's office to report his chosen organization, which I must approve. Thompson has **6 months** from today to complete **40 hours** of community service. Within 7 days of the end of this 6 month period, Thompson must submit to Suzanne Carlson written proof from the organization, confirming that Thompson has completed the full 40 hours, when he did so, and describing the work he has done. If Thompson fails to complete the full 40 hours within the time allotted, I will impose the maximum sanction allowed by the statute: 3 days in jail and a \$1000 fine. Thompson is directed to contact Suzanne Carlson in the clerk's office at 233-3936 if he has any questions.

IT IS SO ORDERED.

DATED this 22nd day of February, 2012.



MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA